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PATENT

Customer No. 22,852
Attorney Docket No. 05725.1315-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Luc GOURLAOUEN et al.) Group Art Unit: 1615
Application No.: 10/814,428) Examiner: Unassigned
Filed: April 1, 2004) Confirmation No.: 5713
For: COSMETIC DYE COMPOSITION WITH)
A LIGHTENING EFFECT FOR HUMAN)
KERATIN MATERIALS, COMPRISING)
AT LEAST ONE FLUORESCENT DYE)
AND AT LEAST ONE AMINOSILICONE,)
AND PROCESS OF DYEING)

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir.

**REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION
UNDER 37 C.F.R. § 1.221(b)**

On February 10, 2005, the U.S. Patent and Trademark Office published the above-identified Application No. 10/814,428, as Publication No. US-2005-0031563-A1. The published application contains a mistake that is the fault of the Office and is, in Applicants' view, material. Attached hereto is a copy of each relevant page of the originally filed application and a marked-up copy of the corresponding page of the published application containing the mistake.

A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See 37 C.F.R. § 1.221(b). The mistake listed below may affect the public's ability to appreciate the technical disclosure of the patent application publication or to determine the scope of provisional rights.

The mistake, which is indicated in red ink on the relevant page of the marked-up copy of the published application attached hereto, is listed below with its correction.

1. In paragraph [0162], the published application reads "(β,γ -dihydroxypropyl)oxy-3-nitro-4-(β -hydroxyethyl)aminobenzene " whereas it should read "1-(β,γ -dihydroxypropyl)oxy-3-nitro-4-(β -hydroxyethyl)aminobenzene."

For at least the foregoing reasons, Applicants request that the Office correct the above-identified mistake in the published application, which was the fault of the Office. Further, Applicants request that the Office forward to Applicants a copy of the corrected published application or at least a notification of the occurrence or predicted occurrence of the corrected publication once it has been corrected.

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Applicants believe that no Petition or fee is due in connection with this Request, however, if any Petition or fee is due, please grant the Petition and charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 8, 2005

By: Deborah M. Herzfeld
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- 1-(β,γ -dihydroxypropyl)oxy-3-nitro-4-(β -hydroxyethyl)aminobenzene,
- 1-hydroxy-3-nitro-4-aminobenzene,
- 1-hydroxy-2-amino-4,6-dinitrobenzene,
- 1-methoxy-3-nitro-4-(β -hydroxyethyl)aminobenzene,
- 2-nitro-4'-hydroxydiphenylamine and
- 1-amino-2-nitro-4-hydroxy-5-methylbenzene.

[0105] The composition in accordance with the present disclosure may also comprise, in addition to, or instead of these nitrobenzene dyes, at least one additional direct dyes chosen from yellow, green-yellow, blue and violet nitrobenzene dyes, azo dyes, anthraquinone dyes, naphthoquinone dyes, benzoquinone dyes, phenothiazine dyes, indigoid dyes, xanthene dyes, phenanthridine dyes and phthalocyanin dyes, triarylmethane-based dyes, and mixtures thereof.

[0106] The at least one additional direct dye may be for example, chosen from basic dyes, among which, non-limiting mention may be made of the dyes known in the Color Index, 3rd edition, under the names "Basic Brown 16," "Basic Brown 17," "Basic Yellow 57," "Basic Red 76," "Basic Violet 10," "Basic Blue 26" and "Basic Blue 99," and acidic direct dyes, among which non-limiting mention may be made of the dyes known in the Color Index, 3rd edition, under the names "Acid Orange 7," "Acid Orange 24," "Acid Yellow 36," Acid Red 33," "Acid Red 184," "Acid Black 2," "Acid Violet 43," and "Acid Blue 62," or alternatively cationic direct dyes such as those described in patent applications WO 95/01772, WO 95/15144 and EP-A-0 714 954, the content of which is incorporated herein by reference.

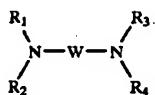
ols, for instance glycerol. Polyethylene glycols and polypropylene glycols, and mixtures of all these compounds, may also be used as solvent.

[0144] The at least one common solvent may be present in the composition, if it is present, in an amount ranging from 1% to 40% by weight, such as from 5% to 30% by weight, relative to the total weight of the composition.

[0145] The pH of the composition as disclosed herein may generally range from about 3 to 12, for instance from about 5 to 11. The pH may be adjusted to the desired value by means of acidifying or basifying agents.

[0146] Non-limiting examples of acidifying agents that may be mentioned include mineral or organic acids, for instance hydrochloric acid, orthophosphoric acid, sulphuric acid, carboxylic acids, for instance acetic acid, tartaric acid, citric acid and lactic acid, and sulphonic acids.

[0147] Non-limiting examples of basifying agents that may be mentioned include aqueous ammonia, alkaline carbonates, alkanolamines such as monoethanolamine, diethanolamine and triethanolamine and derivatives thereof, sodium hydroxide, potassium hydroxide and the compounds of formula (E):



[0148] wherein W is chosen from propylene residues optionally substituted with an entity chosen from hydroxyl groups and C₁-C₆ alkyl radicals; R₁, R₂, R₃ and R₄, which may be identical or different, may be chosen from hydrogen atoms, C₁-C₆ alkyls, and C₁-C₆ hydroxyalkyl radicals.

[0149] According to one aspect of the present disclosure, the composition may comprise, in addition to the at least one fluorescent dye, at least one non-fluorescent direct dye of nonionic, cationic or anionic nature, which may be chosen, for example, from nitrobenzene dyes.

[0150] For example, non-limiting mention may be made of the following red and orange non-fluorescent nitrobenzene direct dyes:

[0151] 1-hydroxy-3-nitro-4-N-(γ -hydroxypropyl)aminobenzene,

[0152] N-(β -hydroxyethyl)amino-3-nitro-4-aminobenzene,

[0153] 1-amino-3-methyl-4-N-(β -hydroxyethyl)amino-6-nitrobenzene,

[0154] 1-hydroxy-3-nitro-4-N-(β -hydroxyethyl)aminobenzene,

[0155] 1,4-diamino-2-nitrobenzene,

[0156] 1-amino-2-nitro-4-methylaminobenzene,

[0157] N-(β -hydroxyethyl)-2-nitro-para-phenylenediamine,

[0158] 1-amino-2-nitro-4-(β -hydroxyethyl)amino-5-chlorobenzene,

[0159] 2-nitro-4-aminodiphenylamine,

[0160] 1-amino-3-nitro-6-hydroxybenzene

[0161] 1-(β -aminoethyl)amino-2-nitro-4-(β -hydroxyethoxy)benzene,

[0162] 1-(β , γ -dihydroxypropyl)oxy-3-nitro-4-(β -hydroxyethyl)aminobenzene,

[0163] 1-hydroxy-3-nitro-4-aminobenzene,

[0164] 1-hydroxy-2-amino-4,6-dinitrobenzene,

[0165] 1-methoxy-3-nitro-4-(β -hydroxyethyl)aminobenzene,

[0166] 2-nitro-4'-hydroxydiphenylamine and

[0167] 1-amino-2-nitro-4-hydroxy-5-methylbenzene.

[0168] The composition in accordance with the present disclosure may also comprise, in addition to, or instead of these nitrobenzene dyes, at least one additional direct dyes chosen from yellow, green-yellow, blue and violet nitrobenzene dyes, azo dyes, anthraquinone dyes, naphthoquinone dyes, benzoquinone dyes, phenothiazine dyes, indigoid dyes, xanthene dyes, phenanthridine dyes and phthalocyanin dyes, triarylmethane-based dyes, and mixtures thereof.

[0169] The at least one additional direct dye may be for example, chosen from basic dyes, among which, non-limiting mention may be made of the dyes known in the Color Index, 3rd edition, under the names "Basic Brown 16," "Basic Brown 17," "Basic Yellow 57," "Basic Red 76," "Basic Violet 10," "Basic Blue 26" and "Basic Blue 99," and acidic direct dyes, among which non-limiting mention may be made of the dyes known in the Color Index, 3rd edition, under the names "Acid Orange 7," "Acid Orange 24," "Acid Yellow 36," Acid Red 33, "Acid Red 184," "Acid Black 2," "Acid Violet 43," and "Acid Blue 62," or alternatively cationic direct dyes such as those described in patent applications WO 95/01772, WO 95/15144 and EP-A-0 714 954, the content of which is incorporated herein by reference.

[0170] Among the additional yellow and green-yellow nitrobenzene direct dyes that may be used, non-limiting mention may be made, for example, of the compounds chosen from:

[0171] 1- β -hydroxyethoxy-3-methylamino-4-nitrobenzene,

[0172] 1-methylamino-2-nitro-5-(β , γ -dihydroxypropyl)oxybenzene,

[0173] 1-(β -hydroxyethyl)amino-2-methoxy-4-nitrobenzene,

[0174] 1-(β -aminoethyl)amino-2-nitro-5-methoxybenzene,

[0175] 1,3-di(β -hydroxyethyl)amino-4-nitro-6-chlorobenzene,

[0176] 1-amino-2-nitro-6-methylbenzene,

[0177] 1-(β -hydroxyethyl)amino-2-hydroxy-4-nitrobenzene,

[0178] N-(β -hydroxyethyl)-2-nitro-4-trifluoromethylaniline,